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Attorneys for Defendant The Rockefeller University, a New York not-for-profit corporation,

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Ligand Pharmaceuticals Incorporated, a Delaware corporation.

Plaintiff.

vs.

The Rockefeller University, a New York
not-for-profit corporation.

Defendant.

Case No: 08-CV-401 BEN (WMc)

**NOTICE OF WITHDRAWAL OF
MOTION TO DISMISS OR, IN THE
ALTERNATIVE, STAY THIS ACTION**

Judge: Roger T. Benitez

Date: April 21, 2008

Date: April 21, 2011
Time: 10:30 a.m.

Courtroom: 3

NOTICE IS HEREBY GIVEN that Defendant, THE ROCKEFELLER UNIVERSITY (“Rockefeller”), hereby withdraws its Motion to Dismiss or, in the Alternative, Stay this Action, that was filed March 11, 2008, originally set for April 14, 2008 and currently scheduled for April 21, 2008, at 10:30 a.m. at 940 Front Street, San Diego, CA 92101-8900. The removal is based on the fact that the pending New York

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1 state court action that was the subject of this motion was removed to federal court in New
2 York by the defendant in this case. The Rockefeller University will be filing a responsive
3 pleading in this case on or before its time to answer.

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5 Dated: March 25, 2008

6 FOLEY & LARDNER LLP
7 KENNETH S. KLEIN

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9 By: /s/

10 KENNETH S. KLEIN
11 Attorneys for Defendant The Rockefeller
12 University

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CERTIFICATE OF SERVICE

I hereby certify that on **March 25, 2008**, I caused the following document(s):

NOTICE OF WITHDRAWAL OF MOTION TO DISMISS OR, IN THE ALTERNATIVE, STAY THIS ACTION to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Darrell Olson
KNOBBE, MARTENS, OLSON & BEAR
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a copy was mailed to:

Joseph M. Reisman Ali S. Razai
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X BY MAIL.

X I am readily familiar with the firm's practice of collection and processing correspondence for mailing with the United States Postal Service; the firm deposits the collected correspondence with the United States Postal Service that same day, in the ordinary course of business, with postage thereon fully prepaid, at **San Diego, California**. I placed the envelope(s) for collection and mailing on the above date following ordinary business practices.

X Executed on **March 25, 2008**, at **San Diego, California**.

X I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Martha X. Zarate